

## OGC Has Reviewed

Approved For Release 2001/09/03 : CIA-RDP82-00357R000600130014-1

14 April 1977

MEMORANDUM FOR: Director, Personnel  
THROUGH : Director, OSO  
Director, Communications  
SUBJECT : Comptroller General Decision No. B - 183086

1. As a result of my claim for back pay and annuity adjustment based on the subject ruling, the organization responded as follows:

"As a result of the recent Comptroller General's decision, ref subject was recently reviewed by the Office of General Counsel (OGC). It was OGC's opinion that the Comptroller General's decision does not apply to the Agency because we are an excepted Agency and not part of the Civil Service Competitive Personnel Systems."

2. While I appreciate the quick response to the reference, I do not believe the OGC opinion is correct or consistent with the ruling of the Comptroller General. As such, I wish as of this date to establish a claim for back pay for the period served at my current post.

3. It is my belief that while the organization is excepted and not part of the Civil Service Competitive Personnel System, it is still obligated and, in fact, does follow Civil Service rules, practices and policies affecting personnel as long as these do not impact on national security. The CG decision which plainly states that failure to grant temporary promotions to employees detailed to higher grade jobs for more than 120 days "is an unjustified and unwarranted personnel action" is applicable to all USG personnel. This organization should comply with this decision as there are certainly no apparent security considerations. The use of the organizations "excepted" status to circumvent the CG ruling is in my opinion unjustified and discriminatory.

4. In an effort to bring this issue to a head, it is requested that my claim be processed through the appropriate appeal channels available in the organization. In addition, pending an unsuccessful organization appeal, please provide appropriate information needed

to further pursue this issue through the General Accounting Office as mentioned in the Federal Employees News Digest.



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Chief, Communications  
Field Station